

**BOROUGH OF MOUNT POCONO
MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 4 OF 2022**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MOUNT POCONO TO ADD A NEW CHAPTER 190 TO BE ENTITLED "QUALITY OF LIFE", WHICH CHAPTER PROVIDES 1) A TICKETING PROGRAM TO POTENTIALLY RESOLVE CERTAIN PROPERTY BLIGHT, MAINTENANCE AND OTHER PROPERTY VIOLATION MATTERS IN A MORE EXPEDITIOUS MANNER THAN TRADITIONAL ORDINANCE ENFORCEMENT, 2) PROCEDURES FOR ISSUING TICKETS UNDER THE TICKETING PROGRAM AND 3) PRESERVES TRADITIONAL ORDINANCE ENFORCEMENT, SEVERABILITY; AND CODIFICATION

WHEREAS, the Borough of Mount Pocono (the "Borough"), similar to many municipalities across the Commonwealth of Pennsylvania, contains certain properties that from time to time become blighted or are a nuisance to the neighborhood and the community; and

WHEREAS, the only resolution at the current time for the Borough to resolve matter to correct such matters is through traditional Ordinance enforcement which often leads to involvement by the court system; and

WHEREAS, traditional Ordinance enforcement often requires a lengthy and sometimes expressive process for both the Borough and the Violator to resolve such a matter;

WHEREAS, in the best interests of the community, the Borough has researched ways to potentially expedite the resolution process relative to eliminating blight in the community's neighborhoods and/or eliminating nuisance property matters; and

WHEREAS, a similar Quality of Life Ticketing Ordinance has proven beneficial in many communities throughout the Commonwealth of Pennsylvania; and

WHEREAS, the purpose of this Quality of Life Ticketing Ordinance is to provide, at the option of the Code Enforcement Officer or other designated official of the Borough of Mount Pocono, a mechanism for issuance of a ticket before issuance of a non-traffic citation or notice of violation pursuant to the terms of a Covered Ordinance to permit a Violator the choice of abating and correcting the violation and paying the ticket amount within ten (10) calendar days or be subject to the issuance of a non-traffic citation or notice of violation for alleged violation of a Covered Ordinance and the ensuing Ordinance enforcement process which involves costs and often leads to involvement by the court system with the Violator potentially liable to the Borough for a certain fine under the applicable Covered Ordinance and the Borough's costs of prosecution including, but not limited to, the Borough's attorney's fees and expenses; and

WHEREAS, concomitantly, the purpose of this Quality of Life Ticketing Ordinance is to potentially reduce the amount of non-traffic citations and notices of violation issued by the Borough of Mount Pocono through traditional Ordinance enforcement each year, potentially expedite the resolution process relative to eliminating blight in the community's neighborhoods and/or eliminating nuisance property matters in a manner that is more appropriate for the best interests of the community, and, at the same time, save time and money for the Borough and the Violator.

NOW, THEREFORE, BE IT AND IT IS ENACTED AND ORDAINED, by the Council of the Borough of Mount Pocono, Monroe County, Pennsylvania that Council hereby "Quality of Life Ticketing Ordinance Chapter 190 (entitled "Quality of Life & Blight Control Act") of the Code of the Borough of Mount Pocono:

CHAPTER 190

ARTICLE I - QUALITY OF LIFE & BLIGHT CONTROL ACT

§190-1. Short Title.

This Ordinance shall be known and may be cited as the "Quality of Life Ticketing Ordinance".

§190-2. Purpose.

The purpose of this chapter is to provide, at the option of the Code Enforcement Officer of the Borough of Mount Pocono, a mechanism for issuance of a ticket before issuance of a non-traffic citation or notice of violation pursuant to the terms of a covered ordinance to permit a violator the choice of abating and correcting the violation and paying the ticket amount within ten (10) calendar days or be subject to the issuance of a non-traffic citation or notice of violation for the alleged violation of a covered ordinance and the ensuing ordinance enforcement process which involves costs and often leads to involvement by the court system with the violator potentially liable to the Borough for a certain fine under the applicable covered ordinance and the Borough's costs of prosecution, including, but not limited to, the Borough's attorneys' fees and expenses. In the event a violator chooses to abate and correct the violation and pay the ticket amount within the required 10 calendar days, the violation is timely resolved and the violator will not be subject to the issuance of a non-traffic citation or notice of violation under the applicable covered ordinance for the violation abated and corrected pursuant to the ticket. In the event a violator chooses not to abate and correct the violation and pay the ticket amount within the required 10 calendar days, the Borough may issue a non-traffic citation or notice of violation pursuant to the terms of the applicable covered ordinance and pursue said ordinance enforcement as permitted by law including, but not limited to, having the violator found liable to the Borough for a fine under the applicable covered ordinance together with the Borough's costs of prosecution including, but not limited to, the Borough's attorneys' fees and expenses.

§190-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH

Borough of Mount Pocono, Monroe County, Pennsylvania.

BOROUGH MUNICIPAL BUILDING

The building containing the Borough's business offices located at 1361 Pocono Blvd. Suite 100, Mount Pocono, PA 18344 or other Borough business office address designated by the Borough on the violation ticket.

BOROUGH REVIEWER

The Borough Manager, who serves as a Code Enforcement Officer, or a Code Enforcement Officer designated by the Borough Manager

CODE ENFORCEMENT OFFICER

Police Officers or Code Enforcement Officers authorized by Resolution of Borough Council to uphold and enforce ordinances of the Borough.

COVERED ORDINANCE

Each chapter of the Code of the Borough of Mount Pocono referenced in §190-4B. Each chapter is an ordinance of the Borough.

PERSON

Any individual, corporation, partnership, or any other entity recognized by law.

REVIEW MEETING

The review meeting conducted by the Borough Reviewer pursuant to § 190-7 of this chapter.

VIOLATOR

Any person in violation of a covered ordinance.

§190-4. Enforcement.

- A. The provisions of this Ordinance may be exercised by any Code Enforcement Officer or other Designated Official of the Borough.
- B. The following existing chapters and sections of the Code of the Borough of Mount Pocono are each hereby deemed

and ordained to be a Covered Ordinance that are under the jurisdiction of this process at the discretion of any Code Enforcement Officer or Designated Official of the Borough.

QOL#	BRIEF DESCRIPTION OF VIOLATIONS FOR QUALITY OF LIFE ORDINANCE	BOROUGH CODE ORDINANCE
QOL.001	Accessory Structure Violation	Chapter 215
QOL.002	Accumulation of rubbish or garbage	Chapter 175
QOL.003	Animal maintenance and waste/ feces cleanup and animals running at large	Chapter 59
QOL.004	Disposal of rubbish or garbage/ dumping	Chapter 175
QOL.005	Fireworks prohibited	Chapter 97
QOL.006	Illegal Sign(s) Billboard(s)	Chapter 164
QOL.007	High weeds, grass or plant growth and leaf waste violations	Chapter 149
QOL.008	Motor vehicles (unregistered, uninspected, inoperative, disrepair)	Chapter 204
QOL.009	Operating w/o Permit/License	Chapter 78
QOL.010	Outside burners, boilers, furnaces	Chapter 71
QOL.011	Peddling/Vending Illegally	Chapter 142
QOL.012	Permit Display/Requirements Violation	
QOL.013	Rentals (long or short term rentals)- Unregistered	Chapter 154
QOL.014	Snow and ice removal required within certain time	Chapter 183
QOL.015	Swimming pools	Chapter 215-21(F)

- C. A determination by a Code Enforcement Officer or other Designated Official of the Borough that a violation of a Covered Ordinance exists is cause for a violation ticket to be issued to the Violator under this Ordinance.
- D. A violation ticket shall be addressed to the name of the Violator and shall be served upon the Violator in the following manner;
 - a. By handing the violation ticket to the Violator;
 - b. By Handing the violation ticket to an adult resident of the subject property;
 - c. By leaving or affixing the violation ticket to the property where the violation exists; or
 - d. By mailing the violation ticket to the Violator's address of record by certified and regular mail.

§190-5. Violation Ticket Disposition.

- A. A Violator that is served a violation ticket under this Ordinance shall have ten (10) calendar days within which time to abate and correct the violation specified by the ticket and pay the amount of the ticket to the Borough. In the event the specified violation is not abated and corrected and ticket is not paid within the ten (10) calendar day period, such failure to abate and correct the specified violation and pay the ticket within the required time period may result in the issuance of a non-traffic citation or notice of violation under the applicable Covered Ordinance for the violation enumerated on the violation ticket and any other violations under the applicable Covered Ordinance that may be identified by the Code Enforcement Officer or other designated official of the Borough. In the event a

Violator chooses to abate and correct the violation and pay the ticket amount within the required ten (10) calendar days, the violation is considered timely resolved and the Violator will not be subject to the issuance of a non-traffic citation or notice of violation under the applicable Covered Ordinance for the violation abated and corrected pursuant to the violation ticket.

§190-6. Fines and Penalties.

- A. Violation ticket fines as pertains to this Chapter, **§190-4, B (table)**
 - a. For the first offense of a violation of a covered ordinance within a twelve-month period, the violation ticket shall be issued in the amount of \$50.00.
 - b. For the second offense of a violation of a covered ordinance within a twelve-month period, the violation ticket shall be issued in the amount of \$100.00.
 - c. For the third offense of a violation of a covered ordinance within a twelve-month period, the violation ticket shall be issued in the amount of \$200.00.
 - d. For the fourth offense and all subsequent offenses of the violation of a covered ordinance within a twelve-month period, the violation ticket shall be issued in the amount of \$300.00.
 - e. Nonpayment of a violation ticket may result in a non-traffic citation or notice of violation being issued with the fine amount at the maximum fine amount per day pursuant to the applicable covered ordinance.

§190-7. Right to Meeting with Borough Reviewer.

- A. Upon payment of the ticket to the Borough within 10 calendar days of the date of issuance of the violation ticket, the person named in the violation ticket has the right to request a review meeting regarding the violation ticket by filing a request, in writing, within the aforesaid time period, at the Borough Municipal Building on a form available at the Borough Municipal Building or the Borough's website. Payment of the ticket to the Borough must be paid to the Borough prior to or at the time of filing the written request for a review meeting.
- B. In the event the ticket is not paid to the Borough within the period of time required by this section or in the event the request for the review meeting is not filed at the Borough Municipal Building within the period of time required by this section, the person named in the violation ticket shall not be entitled to a review meeting.
- C. In the event the ticket is paid to the Borough within the period of time required by this section and the written review meeting request is filed at the Borough Municipal Building within the period of time required by this section, the person named in the violation ticket shall be entitled to a review meeting conducted in accordance with this section.
- D. The Borough Reviewer shall attend the review meeting. The review meeting shall take place at the Borough Municipal Building or the location of the violation at the sole discretion of the Borough Reviewer. At the sole discretion of the Borough Reviewer, the review meeting may take place telephonically if the person named in the violation ticket submits a written request for such review meeting. The review meeting shall take place on a date and time chosen by the Borough Reviewer, in his or her sole discretion, during regular business hours for the business office located at the Borough Municipal Building or other time determined at the sole discretion of the Borough Reviewer. The Borough Reviewer shall provide written notice of the date, time and location of the review meeting by email, facsimile, first class mail with certificate of mailing, or hand delivery to the person named in the violation ticket at the last known email, facsimile, or address stated in the written request for the review meeting.
- E. The review meeting is an opportunity for the person requesting the review meeting to be heard by the Borough Reviewer and present evidence to support his or her claims why the violation ticket should be rescinded or more time given to the person named in the violation ticket for said person to abate and correct the violation set forth in the violation ticket. The length of the review meeting, types of evidence accepted, and number of persons permitted to attend the review meeting shall be at the sole discretion of the Borough Reviewer.
- F. The Borough Reviewer has the authority to rescind the violation ticket and order the Borough refund the payment of the ticket to the person that paid said monies or give the violator a certain amount of additional time to abate and

correct the violation set forth in the violation ticket. In the event the Borough Reviewer decides to rescind the violation ticket or give the violator a certain amount of additional time to abate and correct the violation set forth in the violation ticket, such decision by the Borough Reviewer shall be in writing and served upon the violator in accordance with § 190-4D of this chapter at the review meeting or promptly after the review meeting within a period of time at the sole discretion of the Borough Reviewer.

- G. In the event the Borough Reviewer rescinds the violation ticket, the Borough shall refund the payment of the ticket to the person that paid said monies. In the event the Borough Reviewer does not rescind the violation ticket or the violator fails to abate and correct the violation within the additional period of time provided to the violator in writing by the Borough Reviewer, a Code Enforcement Officer may issue a non-traffic citation or notice of violation under the applicable covered ordinance for the violation enumerated on the violation ticket and any other violations under the applicable covered ordinance that may be identified by the Code Enforcement Officer.
- H. Notwithstanding the foregoing, in the event the person that filed the written request for a review meeting in accord with this section fails to attend a review meeting scheduled by the Borough Reviewer, the payment made prior to or at the time of filing the written request for a review meeting shall not be refunded except at the sole discretion of the Borough Manager. In the event the person that filed the written request for a review meeting fails to attend the review meeting scheduled by the Borough Reviewer, the Borough Reviewer may reschedule the review meeting at the sole discretion of the Borough Reviewer.

§190-8. Severability.

If any provision, paragraph, word, section or subsection of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

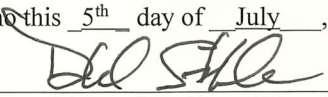
§190-9. Codification.

It is the intention of Council of the Borough of Mount Pocono that the provisions of this chapter shall become and be made a part of the Code of Ordinances of the Borough of Mount Pocono; and that the sections of this chapter may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," "chapter" or such other appropriate word or phrase in order to accomplish such intentions.

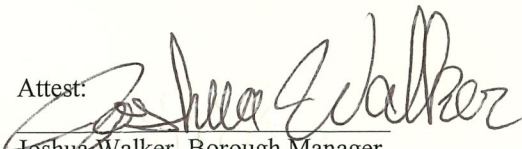
§190-10. Effective Date.

This chapter shall be effectively immediately upon adoption.

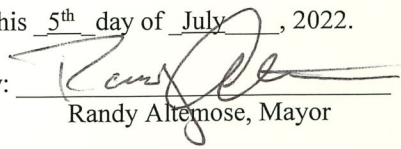
Approved by Borough Council of the Borough of Mount Pocono this 5th day of July, 2022.


Donald Struckle, Council President

Attest:


Joshua Walker, Borough Manager

Approved this 5th day of July, 2022.

By: 
Randy Altemose, Mayor